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10 Attorneys for Plaintiff  
Twitch Interactive, Inc.

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
15

16 TWITCH INTERACTIVE, INC., a  
Delaware corporation,

17 Plaintiff,

18 v.

19 MASON APODACA AND JOHN AND  
20 JANE DOES 1-100, individuals,

21 Defendants.  
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Case No. 19-cv-03418-WHO

**DECLARATION OF HOLLY M.  
SIMPKINS IN SUPPORT OF PLAINTIFF  
TWITCH INTERACTIVE, INC.'S *EX*  
PARTE MOTION TO EXTEND  
DEADLINES**

1 I, Holly M. Simpkins, declare as follows:

2 1. I am an attorney licensed to practice law before the courts of the State of  
3 Washington and admitted *pro hac vice* in this matter. I am a Partner at Perkins Coie LLP, and  
4 counsel in this action for Plaintiff Twitch Interactive, Inc. (“Twitch”). I submit this declaration in  
5 support of Twitch’s *Ex Parte* Motion to Extend Deadlines. I have personal knowledge of the  
6 facts stated herein and, if called upon, could and would testify competently thereto.

7 2. At my direction, the Twitch accounts, websites, chat servers, social media  
8 platforms, and IP addresses Defendants used to coordinate their attack on Twitch were  
9 investigated.

10 3. On June 17, 2019, a cease and desist letter, copy of the Complaint and other  
11 documents, were sent to ganggangchef@gmail.com, an email address that Twitch believes is  
12 connected to Defendant Mason Apodaca. The email was not returned as undeliverable. We did  
13 not receive a response.

14 4. We identified Mr. Apodaca as an individual likely to have been involved in the  
15 attack on Twitch after receiving responses to multiple third-party subpoenas.

16 5. On February 25, 2020, at my direction, a letter was sent to Mr. Apodaca’s  
17 residence notifying the occupants that the IP address of the residence was connected with the  
18 attack and requesting that they contact my firm to discuss the matter. Included with the letter was  
19 a copy of the complaint. We received no response.

20 6. On March 27, 2020, at my direction, a letter was sent to Mr. Apodaca by email and  
21 U.S. mail, including a copy of the complaint. The letter notified Mr. Apodaca that if he did not  
22 respond, Twitch would amend its complaint to name him publicly. Mr. Apodaca did not respond.

23 7. On May 14, 2020, at my direction a letter was sent to Mr. Apodaca requesting that  
24 Mr. Apodaca waive service of the summons and complaint. This letter included a copy of the  
25 Amended Complaint, the summons, numerous deadline-related pleadings, and several other  
26 required documents. The deadline for Mr. Apodaca to return the waiver of service is June 13,  
27 2020. As of the date of filing this motion, we have not received a response. Due to the COVID-

1 19 outbreak and corresponding risks and difficulties surrounding personal service, we have not  
2 attempted personal service.

3 8. If we do not receive Mr. Apodaca's waiver by June 13, 2020, Twitch will attempt  
4 to personally serve Mr. Apodaca given that it appears certain COVID-19 restrictions are being  
5 lifted.

6 9. There have been four previous time modifications in this case. This Court  
7 previously granted Twitch's motion for an extension of the service deadline, Dkt. No. 18, and this  
8 Court previously granted Twitch's motion for an extension of the Case Management Conference  
9 and related deadlines, Dkt. No 16. This Court also granted Twitch's two subsequent motions for  
10 extensions of time to serve Defendants and to reset the Case Management Conference. Dkt. Nos.  
11 20, 28. The requested continuance will not impact the schedule of this case, as no trial date or  
12 other deadlines have been set.

13 I declare under penalty of perjury under the laws of the United States that the foregoing is  
14 true and correct.

15 Executed this 26th day of May, 2020.

16 /s/Holly M. Simpkins

17 Holly M. Simpkins  
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